IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WP(C).No. 6328 of 2005(C)

PETITIONER:

M/S.M.SREENIVASA MALLAYA,
PIECE GOODS MERCHANT, CHERLAI BAZAR, KOCHI 682 002
REP. BY ITS PARTNER.

BY ADV. SRI.P.P.JACOB

RESPONDENTS:

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1. MATTANCHERRY SARVAJANIK CO-OPERATIVE
BANK LTD., 3284, CHERLAI, KOCHI 2,
REP. BY ITS MANAGING DIRECTOR.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES [G] ERNAKULAM.

BY ADV. SRI.P.SANTHOSH KUMAR (PANAMPALLI NAGAR)
SRI.T.A.RAJAN
GOVERNMENT PLEADER P.K. RAVISANKAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1- TRUE PHOTOCOPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 30.12.2003.

EXT.P2- TRUE PHOTOCOPY OF THE LETTER ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER DATED 31.12.03

EXT.P3- TRUE PHOTOCOPY OF THE LETTER ISSUED BY THE PETITIONER TO THE FIRST RESPONDENT DATED 15.4.04.

EXT.P4- TRUE COPY OF THE LETTER ISSUED BY FIRST RESPONDENT TO THE PETITIONER DATED 19.4.04

EXT.P5- TRUE PHOTOCOPY OF THE PETITION FILED BY THE PETITIONER TO THE REGISTRAR, TRIVANDRUM DATED 21.4.04

EXT.P6- TRUE PHOTOCOPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 30.7.04

EXT.P7- TRUE COPY OF THE LETTER ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER DATED 2.8.04

EXT.P8- TRUE COPY OF PETITION FILED BY THE PETITIONER BEFORE THE REGISTRAR, TRIVANDRUM DATED 10.8.04.

EXT.P9- TRUE PHOTOCOPY OF THE LETTER ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER DATED 22.9.04

EXT.P10- TRUE COPY OF THE LETTER ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER DATED 3.9.04

EXT.P11- TRUE PHOTOCOPY OF THE LETTER ISSUED BY JOINT REGISTRAR TO THE PETITIONER DATED 30.10.04

EXT.P12- TRUE PHOTOCOPY OF NOTICE ISSUED BY FIRST RESPONDENT DATED 2.8.04

EXT.P13- TRUE PHOTOCOPY OF THE PAPER NOTIFICATION PUBLISHED IN HINDU BY FIRST RESPONDENT DATED 1.2.05

EXT.P14- TRUE PHOTOCPY OF THE LETTER ISSUED BY FIRST RESPONDENT TO THE PETITIONER DATED 8.2.05

EXT.P15- TRUE PHOTOCOPY OF PETITION FILED BY THE PETITIONER BEFORE THE SECOND RESPONDENT DATED 15.2.2005

EXT.P16- TRUE PHOTOCOPY OF THE CIRCULAR NO.50/04 DATED 30.10.04.

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 6328/2005

Dated this the 5th day of December, 2006

JUDGMENT

The writ petitioner had availed a credit facility scheme for an amount of Rs.15,00,000/- from the first respondent, bank. Because of the business failure, there was no remittance. Therefore, the bank proceeded against the writ petitioner.

2. It is submitted by the learned counsel for the writ petitioner that there had been repeated remittances to the first respondent, bank, repaying the loan amount. The order dated 23.2.2005 of this Court reveal that an amount of Rs.2,00,000/- was remitted at that time. There was further direction on 18.3.2005 to remit another amount of Rs.1.2 lakhs and, thereafter, apply for One Time Settlement scheme.

3. The learned counsel for the writ petitioner brought to my notice the Ext.P15 representation dated 15.2.2005, praying for One Time Settlement scheme. The

details of the exact amount that had been paid to the first respondent, bank, is not produced with the writ petition. Therefore, I am not able to specifically pass an order. However, the records show that there was an attempt on the part of the writ petitioner to have an One Time Settlement scheme and avail the benefits, thereon.

4. In the above facts situation, I dispose of this writ petition directing the second respondent to consider Ext.P15 representation and pass orders on merit, within one month from the date of production of a copy of this judgment before him. If Ext.P15 is not in the records of the bank, the petitioner shall file a fresh representation within one week from today, and the same shall be disposed of as directed.

J.M.JAMES
JUDGE

mrcs